

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 7-2005)TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

PR60419USw

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/567012

INTERNATIONAL APPLICATION NO.

PCT/US2004/24888

INTERNATIONAL FILING DATE

2 August 2004

PRIORITY DATE CLAIMED

1 August 2003

TITLE OF INVENTION

TREATMENT OF CANCERS EXPRESSING P95 ERBB2

APPLICANT(S) FOR DO/EO/US

Neil Lee SPECTOR; Wenle XIA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV332063671US

U.S. APPLICATION NO. (known as 37 CFR 1.6) <div style="font-size: 2em; font-weight: bold; text-align: center;">107567012</div>	INTERNATIONAL APPLICATION NO. <div style="text-align: center;">PCT/US2004/24888</div>	ATTORNEY'S DOCKET NUMBER <div style="text-align: center;">PR60419USw</div>	
23. Other items or information:  Copies of: PCT publication cover page; PCT Written Opinion; PCT Request; PCT Notification of the Recording of a Change; 16 IDS citations listed on the attached form PTO-1449 as item nos. 5-20			
The following fees have been submitted:		CALCULATIONS	PTO USE
24. <input checked="" type="checkbox"/> Basic national fee .....	\$300	\$ 300.00	
25. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article ..... All other situations. ....	\$0 \$200	\$ 200.00	
26. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . . Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. .... International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. .... All other situations. ....	\$0 \$100 \$400 \$500	\$ 100.00	
<b>TOTAL OF 24, 25 and 26 =</b>		\$ 600.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.			
Total Sheets      Extra Sheets      Number of each additional 50 or fraction thereof (round up to a whole)      RATE			
51    - 100 =      0    /50 =      0      x    \$250.00		\$ 0.00	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$	
CLAIMS      NUMBER FILED      NUMBER EXTRA      RATE			
Total claims      18    - 20 =      0      x      \$50.00		\$ 0.00	
Independent claims      4    - 3 =      1      x      \$200.00		\$ 200.00	
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> +      \$360.00		\$ 0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$ 800.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		\$ 0.00	
<b>SUBTOTAL =</b>		\$ 800.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$ 0.00	
<b>TOTAL NATIONAL FEE =</b>		\$ 800.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property    +		\$ 0.00	
<b>TOTAL FEES ENCLOSED =</b>		\$ 800.00	
		Amount to be	\$
		Amount to be	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 07-1392 in the amount of \$ \$800.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1392. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer Number  
23347

  
SIGNATURE

Virginia G. Campen  
NAME

NAME

37,092  
REGISTRATION NUMBER

REGISTRATION NUMBER

31 Jan 2006  
DATE

DATE

10/567012

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Neil Lee SPECTOR et al.

PTO ) 1 FEB 2006

PR60419USw

 Application No.  
To be assigned

 Filing Date  
Concurrently herewith

 Examiner  
To be assigned

 Customer No.  
23347

 Group Art Unit  
To be assigned

 Invention: **TREATMENT OF CANCERS EXPRESSING P95 ERBB2**

I hereby certify that the following correspondence:

U.S. national phase application for patent under 35 USC 371 and accompanying documents

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

FEBRUARY 1, 2006  
(Date)

Marjorie J. Pfeiffer

*(Typed or Printed Name of Person Mailing Correspondence)*

*(Signature of Person Mailing Correspondence)*

EV332063671US

Note: Each paper must have its own certificate of mailing.

1. Transmittal letter (page 3 in duplicate)
2. Combined Declaration and Power of Attorney (2 pages)
3. International Search Report and Written Opinion
4. Information Disclosure Statement/form PTO-1449 with copies of 16 citations
5. Preliminary Amendment (8 pages)
6. Abstract (1 page)
7. Copy of Notification of the Recording of a Change
8. Copy of PCT publication cover page
- 10 Copy of PCT Request
11. Return postcard